IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 769 (SS) of 2007

Kishan Singh Bhandari,
S/o late Sri Hari Singh Bhandari,
Presently posted as Clerk with the Additional
Charge of Assistant Food Inspector,
State Warehouse, Department of
Food and Civil Supply, Chamiyala,
District – Tehri Garhwal. **……Petitioner.**

Versus

1. State of Uttarakhand through Secretary, Food and Civil Supply, Dehradun.
2. Regional Food Controller, Garhwal Region, Dehradun, District – Dehradun.
3. Commissioner, Food and Civil Supply Department, Uttarakhand, Dehradun.
4. District Magistrate, Tehri Garhwal.
5. Sub Divisional Magistrate, Ghansali, District – Tehri Garhwal.

……Respondents.

Hon'ble M.M. Ghildiyal, J

Heard Sri Rakesh Thapliyal, learned counsel for the petitioner and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand on behalf of respondents.

By means of this writ petition, the petitioner has prayed to issue writ of Certiorari quashing the order dated 07.06.2007 passed by Commissioner, Food and Civil Supply, Dehradun (Annexure no. 1) and consequential order dated 15.06.2007 passed by District Magistrate, Tehri Garhwal (Annexure no. 2) as well as order dated 22.06.2007 passed by District Magistrate, Tehri Garhwal.

By order dated 07.06.2007 passed by respondent no. 3, petitioner, who is working as Supply Clerk in Food and Civil Supplies Department, has been transferred on administrative ground to District – Rudraprayag. By order dated 15.06.2007, petitioner was directed to hand over the charge and by order dated 22.06.2007 petitioner has been relieved from District – Tehri Garhwal and directed to join in District – Rudraprayag.

Learned counsel for the petitioner has submitted that a theft was taken place in the official residence of petitioner on 12.01.2007 and inquiry was conducted by District Supply Officer. District Supply Officer submitted his preliminary inquiry report, in which petitioner has been exonerated and it was found by the District Supply Officer that there was no shortage of any food grains, which were under charge of the petitioner. However, vide order dated 22.03.2007 respondents have taken decision to initiate departmental proceedings against petitioner. On 29.03.2007, charge-sheet has been furnished to the petitioner. In the alleged theft, which was committed on 12.01.2007, a sum of Rupees Twelve Lakh (approximately), as alleged by the petitioner have been stolen by some unidentified persons and FIR was lodged by the petitioner and the investigation is going on.

In these circumstances, I do not find any ground to interfere with the impugned orders passed by respondents.

Writ petition lacks of merit and as such, is dismissed *in limine.* No order as to costs.

(M.M. Ghildiyal, J)

July 03, 2007
SKSharma